



Appealing to the First-tier Tribunal (Care Standards)

A guide to the appeals procedures

Introduction

This guidance is designed to help people who wish to appeal to the First-tier Tribunal (Care Standards). It sets out the procedures and processes for appeals.

Contents

Introduction	1	Services of an interpreter or signer	8
Who we are and what we do	2	Preparation for the hearing	8
Tribunal procedural rules	2	Arranging the date(s) and venue	8
Appeals process	2	Giving evidence	8
Who can appeal?	2	The decision	9
How to appeal	3	Written decision made public –	
Your appeal	4	Reporting restrictions	9
When to appeal	4	Application to set aside the decision	9
Late appeals	4	Application to appeal the Tribunal's decision	10
Emergency appeals	4	Withdrawal of appeal	10
Appeal in Welsh	5	Striking out an appeal	11
Help with appealing	5	Costs	11
Response to appeal by the respondent	5	Paying the other parties' costs	11
Telephone Case Management Hearing (TCMH)	5	Expenses	11
Requests by the parties	6	Further information	11
Withholding documents or information	6	Complaints	12
Summoning of witnesses and the production of documents	6	Tables	
The hearing	7	Who can appeal to us?	
Appeals heard together	7	Table 1	13
Oral hearing or paper determination	7	Time limits for appeals	
Representation at the hearing	7	Table 2	16

Who we are and what we do

We are an independent judicial body within Her Majesty's Courts and Tribunal Service (HMCTS). We consider appeals against decisions of a number of government agencies concerned with the protection of vulnerable groups; the regulation of health, social care and childcare providers; the registration of social workers in Wales; and registration of independent schools.

Each appeal sent to us is heard by a specifically convened panel consisting of a judge and two members with relevant experience or expertise.

Before the hearing the case will be considered and dealt with by a single judge, usually on the papers and by telephone hearings.

Tribunal procedural rules

In processing and considering appeal cases, the Tribunal must adhere to procedural rules. Amongst other things, these rules cover:

- providing information and evidence
- case management of an appeal
- the powers of the Tribunal in making directions and striking out an appeal
- setting dates for a hearing
- making the decision and sending it to the parties, and
- appeals against the decision of the Tribunal.

The overriding objective of the rules is to ensure all appeals are dealt with fairly and justly. Parties to an appeal have a part to play in ensuring this objective is met and must assist and co-operate with the tribunal.

The Tribunal may also bring to the attention of the parties to an appeal, the availability of appropriate alternative dispute procedures for the resolution of their dispute, and the judge dealing with the case may suggest that the parties discuss the issues in the case to see if it can be resolved.

www.justice.gov.uk/downloads/tribunals/general/hesc-rules-2008.pdf

Appeals process

Who can appeal?

You can appeal against a decision in relation to:

- In very limited circumstances we hear cases relating to barring, prohibiting or restricting work with children or vulnerable adults by including your name in the Protection of Children Act List, the Protection of Vulnerable Adults List or list 99 for decisions made before Oct 2010. If you have been included on these lists by the Independent Safeguarding Authority or the Disclosure and Barring Service instead of the Secretary of State, your appeal will be considered by the Administrative Chamber of the Upper Tribunal. **Please look at their website for details of how to appeal.**

- Registration of an Independent School
- Registration as a provider or manager of a:
 - Care home
 - Adult placement scheme
 - Private/voluntary healthcare establishment
 - Residential Family Centre
 - Nurses agency, domiciliary care agency, medical agency; fostering agency; voluntary adoption agency and childminder agency
 - Early years or later years child minder or day care provider
 - Children's home
 - Fit and Proper Person appeals in respect of Directors.
- Registration as a social worker or social care worker in Wales. Social workers in England are now governed by HCPC.
- Decisions made by CQC about doctors and dentists surgeries.
- Decisions by Monitor from 2013 – see <http://www.monitor-nhsft.gov.uk/monitors-new-role/-introduction-monitors-new-role>

Table 1 at the back of this booklet provides more detail about the decisions against which you can appeal.

How to appeal

Send your appeal application to the Care Standards office using the appeal form available from the office or from the Care Standards website. Please provide all the information required including a copy of the decision letter served you giving you the right to appeal. If you are unable to provide all information at the stage of appealing and need more time, do not delay sending us the appeal, but ask us if you can have more time to provide the information. (You must do this in writing and by email is acceptable.) **We encourage email communication.**

If you are unsure whether you can appeal or if you have any questions about completing any part of the form please contact the Care Standards Office where someone will be able to help you.

Please note that our administrative team cannot give legal advice.

Send the completed appeal application form, signed and dated (by you):

By post to:

HM Courts & Tribunals Service (Care Standards)
 1st Floor Darlington Magistrates' Court
 Parkgate
 Darlington
 DL1 1RU

By fax to: 01264 785013

Your appeal

When we receive your appeal we will copy it and any papers you have sent with it, to the body against whose decision you are appealing.

When to appeal

It is important that we receive your appeal application within the time limit allowed for appealing. Please do not exceed the deadline as it may mean that you cannot appeal.

See Table 2 at the back of this booklet which sets out all time limits for appeals

Late appeals

If you miss this deadline, you can ask for your appeal to proceed. You do this by:

- sending off your appeal as soon as you can
- explaining in your appeal why it is late
- explaining why your case is likely to be successful and should go ahead even if late
- explaining why the body you are appealing will not be prejudiced by a late appeal
- any other matters you think relevant.

If you do not send your appeal to us in time, we can only allow it to proceed if it is fair and just to do so under the Procedure Rules, if the time limit is imposed by a Statute the Tribunal must follow that even if no late appeals are allowed, unless it interferes with your Human Rights.

We will pass your appeal to a tribunal judge or registrar who will decide whether it is fair and just to proceed. If they decide it is, your appeal will go ahead. If the judge or registrar decides it is not, the appeal will go no further.

Emergency appeals

If you are appealing a **Ofsted** decision appealing against **suspension of registration** as childcare provider, you need to send your appeal application to Ofsted or, if your business is in Wales, the National Government for Wales, at the same time as sending it to us. The address of your Ofsted Office/Welsh Assembly Government Office will be on the letter notifying you of the Chief Inspector's or Welsh Assembly Government decision.

If you are appealing a **CQC** decision to cancel your registration or impose a condition on an emergency basis or where the Secretary of State for Education has imposed emergency restrictions on your school you must also send a copy of your appeal to them.

These emergency cases are governed by a document called a memorandum of understanding. This means that the tribunal has agreed to hear them very quickly. If the tribunal agree the case can be dealt with by the panel looking at the papers then the matter will be dealt within 5 working days from receipt of the respondent's response to the

appeal. If the case is listed parties are to attend they will be dealt within 10 working days. The decisions are also given very quickly – usually within 3 working days. If you are not sure whether your case is an emergency case, contact the tribunal and ask.

You must complete all the information required on the appeal form. If you are unable to provide all information at the stage of appealing and need more time, do not delay sending us the appeal, but ask us if you can have more time to provide the information. (You must do this in writing, email is acceptable.) **We encourage email communication.**

Appeal in Welsh

Anyone who lives in Wales may choose to appeal in Welsh. You may also ask that the oral hearing be conducted in Welsh.

Help with appealing

We can guide you through the appeals procedure. The judge dealing with the case at a telephone hearing or the panel hearing the case at a final hearing are very used to people who are representing themselves. You may be able to get advice from a Citizens Advice Bureau, your trade union or professional association. Public funding (legal aid) is not normally available for this type of case.

If you want help with your appeal it is important that you get assistance immediately to ensure you can proceed with your appeal in accordance with our rules. It is important to send in the form and information required in the time scales set out. Do not wait for advice – send them in within the deadline.

Response to appeal by the respondent

The respondent must copy their response to you at the same time they send it to the tribunal. They must do so within 20 working days, **except in emergency cases when the response time is 3 working days.**

In the case of an application by the Secretary of State for the tribunal to make an order under section 166(5) of the Education Act 2002 (Independent Schools), the applicant must respond within 16 days.

Telephone Case Management Hearing (TCMH)

When the appeal is registered and the response is received you will receive notification of a Telephone Case Management Hearing (TCMH) with a judge. The advantage of a telephone hearing is that you can attend from any location. A 0800 number and full instructions are given on how to join the hearing. Both parties will ring at the same time.

You will be sent a document called “Guide to telephone case management hearings” which gives full details of what to call the judge and the sorts of things that will be discussed. It is important that both parties discuss the case before the telephone hearing if possible.

At the hearing the judge will set a timetable to ensure that the main hearing runs smoothly and that the panel hearing the case have all the evidence they need to make a decision and enough time to hear the case.

On occasions, a case may need more than one telephone hearing.

Requests by the parties

It is also possible to refer an issue to a judge by sending in a written request. You may want to ask for extra time to file a statement or to ask for the hearing to be postponed. If you make such an application it is important to say what you want and why you want it. You should also send a copy of the application to the other party so that they can give the judge their views as well. If you want to request a change to a date it may be helpful to suggest alternative dates.

The tribunal can:

- Allow you or the other party to amend any document you provide in relation to the proceedings
- Give you extra time to file a document or statement
- Adjourn or postpone a hearing
- Stay proceedings (which means proceedings are put “on hold”).

Withholding documents or information

The tribunal can prohibit the disclosure of any document or information to you or someone else if satisfied that disclosure would identify someone it considers should not be identified or if disclosure would be likely to cause serious harm. Withholding documents or evidence is exceptional. In most cases both parties will be entitled to see all the documents in the case.

Summoning of witnesses and the production of documents

The tribunal can issue a summons requiring someone to attend an oral hearing or make an order requiring the production of certain documents.

If you want the Tribunal to issue a summons you should raise the issue with the judge at a telephone hearing or make a written application. You will need to explain why you think the summons is necessary. The tribunal does not make a summons unless the person you want to appear has said they will not attend.

People summoned must have 14 days notice of the hearing and may object to it. You may also be asked by the witness to **pay his or her expenses** to attend the hearing and you will have to meet this cost. If you apply for a summons the tribunal will need full contact details for the witness.

If the other party or someone else – a third party – has documents which you think are relevant to the case you can ask the judge to order them to supply the documents to you.

The Respondent to the case must disclose all relevant documents and evidence to you, even if it supports your case. If you think they have not supplied you with all the relevant documents raise the issue with the judge, explaining what you think they haven't sent to you and why it is relevant, either at a telephone hearing or in writing. Do not wait until

just before the main hearing to ask – the judge will not want to delay the case unless it is absolutely necessary.

If the documents or evidence are held by a third party you can make an application to the judge. You will need to say exactly what you want them to disclose and give reasons why you think the evidence is relevant. You will also need full contact details for the third party. If the judge makes the order s/he will give the third party a chance to say why they should not disclose the documents or evidence. Again, it is important to make an application for disclosure as early as possible.

The hearing

Appeals heard together

The tribunal can deal with and hear two or more appeals together if they relate to the same person/ provider or if they raise common issues. This is sometimes referred to as consolidation, and will be discussed at the telephone case management hearing if it is relevant.

Oral hearing or paper determination

The tribunal will hold an oral hearing to determine your appeal. However, the matter can be determined on the papers alone if you and the respondent consent and if the tribunal agrees. Nearly all cases are held with the parties attending. Emergency cases may be suitable for a paper hearing but in all cases where a factual dispute needs to be resolved, the tribunal will list the case for an oral hearing which the parties attend.

At an oral hearing the panel may hear evidence from witnesses or may just hear from the parties – this is sometimes referred to as a case conducted on submissions.

The Respondent will usually have a legal representative. This does not put them at an advantage. The judge and panel members are very used to dealing with self representing litigants (unrepresented people) and they will explain the procedure to you and make sure you have the opportunity to present your case.

Where an oral hearing is held it is in your interests to attend. If you fail to do so the tribunal can proceed without you. If this happens you won't have the opportunity to put your case or ask questions of the respondent as the hearing progresses.

Oral hearings are held in public except where the tribunal directs otherwise. The tribunal can also exclude persons from the hearing or part of the hearing if it has concerns that their attendance may have an adverse impact on the hearing

Representation at the hearing

You can be represented at the hearing by anyone you choose, whether a lawyer or not. Let both the tribunal and the other party know if you will be represented and if so, the name of your representative.

Services of an interpreter or signer

If you need an interpreter or signer at the hearing, please let us know as soon as possible. We will arrange for one to be at the hearing.

Preparation for the hearing

The decision-making party will usually be asked to prepare a 'bundle' of papers for the hearing. The bundle will include all the documents you and the other party wish the appeal panel to consider. The respondent will send you your copy of the bundle. We will send you a guide to statements and bundles which sets out how to make a statement and what goes into the bundle.

Arranging the date(s) and venue

The judge will set a date and time for the hearing at the telephone case management hearing. The venue will be confirmed at a later date. We try to ensure that the hearing is in your local area, and certainly within 2 hours travelling distance.

In emergency cases the hearing will be listed very quickly so you will only have about 3 days notice of where it will take place.

If the case is in respect of a hearing to consider making an order under section 166(5) of the Education Act 2002 (Registration of Independent Schools) you will get at least 7 days notice.

In emergency cases the hearing will be listed very quickly so you will only have about 3 days notice of where it will take place.

If the case is in respect of a hearing to consider making an order under section 166(5) of the Education Act 2002 (Registration of Independent Schools) you will get at least 7 days notice.

If you live within reasonable travelling distance of central London, hearings will usually take place at 18 Pocock Street SE1 0BW, which is close to Southwark Tube station. Otherwise, we will arrange a venue nearer to your home or business address.

If you live in Wales, your hearing will normally take place in Cardiff or a suitable location elsewhere in Wales

Giving evidence

You will be given the opportunity to put your case to the tribunal and may call any adult to give evidence on your behalf, although the judge has the power to restrict the number of witnesses. The tribunal can also require either party to provide expert evidence.

Children and vulnerable adults may only appear as witnesses in person if the tribunal considers it necessary to enable a fair hearing. In such cases the tribunal may appoint a

person with appropriate skills or experience in facilitating the giving of evidence by children and vulnerable adults and may require the evidence to be given by telephone or video link.

When all the evidence has been heard, you and the respondent will have a chance to make closing remarks to the panel. This is an opportunity to highlight what you see as the important points in your case but you cannot introduce anything new at this stage. The panel will then retire to consider its decision. The panel will not give you a decision on the day. The decision and reasons will be sent to you and the respondent in writing within 3 working days for emergency cases and within 10 working days for non emergency cases.

The decision

The decision does not have to be unanimous. Where the three members of the appeal panel can not agree the majority view will prevail. The panel do not normally tell the parties whether the decision is unanimous or by majority unless they give reasons for the different views.

The appeal panel will either uphold your appeal or direct that the appeal be dismissed. In some cases the panel may be minded to allow the appeal but impose conditions. This only applies to cases involving registration with a regulatory body. For example, the panel may disagree with the regulatory body about cancellation of registration but impose certain registration conditions of its own.

The tribunal can dispose of an appeal by way of a consent order. Such orders can only be made at the request of both parties if they are in agreement and only if it considers it appropriate.

Written decision made public – Reporting restrictions

All Care Standards decisions are made public on our website, except to the extent that it is necessary to hold any details back to comply with a restricted reporting order. The tribunal can make an order restricting the publication of names to prevent you or a child or vulnerable adult or any other person at the hearing being identified. If you want a restricted reporting order, you should raise it at the telephone hearing, send your request to the Tribunal setting out your reasons or raise it with the panel. The full Care Standards decisions are published on the Care Standards Website

Application to set aside the decision

You can ask the tribunal to set aside the decision if:

- a relevant document in your case was not received in time to be considered by the appeal panel
- you or your representative was not present at the hearing, or
- you think there was some irregularity in the proceedings.

If you want to ask for the decision to be set aside, you must do so in writing within 28 days of receiving the decision. Forms for the purpose are available on our website.

Application to appeal the Tribunal's decision

You can appeal some preliminary decisions (other than case management decisions) and final decisions of the Tribunal to the Upper Tribunal. However, you must first apply to this Tribunal asking for permission to appeal.

You will not be granted permission to appeal simply on the basis that you don't agree with the decision. You must be able to show that the panel have made an error of law, and demonstrate what that error is.

On receipt of an appeal application, the judge will first consider whether to review the decision based on your reasons for appeal. A fresh decision may be issued following a review, or if the Tribunal grants you permission to appeal, your appeal will be forwarded to the Upper Tribunal to consider.

If the Tribunal decides that a review is not appropriate and if it refuses your application to appeal, you can make an application for permission to appeal direct to the Upper Tribunal. To do this you should contact:

Upper Tribunal (Administrative Appeals Chamber Rolls Building)
5th Floor
7 Rolls Buildings
Fetter Lane
London
EC4A 1NL
Tel: 020 7071 5662
Fax: 0207 071 5663

If the First-tier Tribunal hearing was in **Wales**, or you live in **Wales**, you may send the form to the London address or to:

Administrative Appeals Chamber of the Upper Tribunal,
Cardiff Civil Justice,
2 Park Street,
Cardiff,
CF10 1ET
Tel: 02920 376460

Withdrawal of appeal

You can withdraw your appeal at any stage in the appeals process, but in most cases you need the Tribunal's consent for the case to be withdrawn. You need consent because there may be instances where the Tribunal think it would be in the interests of justice that the case is heard.

If you want to withdraw, write to the Tribunal explaining your reasons.

You need to be aware that in withdrawing your case, the other party may apply for costs against you. Please see under costs below. Applications for costs are rare and are only

successful if your conduct has been unreasonable. The earlier you withdraw an appeal the less likely an order for costs will be. The tribunal will always ask your views and your ability to pay before making an order for costs.

Once you withdraw your appeal, you can have your case re-instated with the consent of the Tribunal. If you want your appeal re-instated you have to apply to the Tribunal within 28 days of the notice of withdrawal or, if you withdraw at the hearing, within 28 days of the date of the hearing.

The decision making body may also withdraw from the appeal at any time and if this happens you may be able to ask the Tribunal to award you costs if you think they have acted unreasonably.

Striking out an appeal

The Tribunal can strike out your appeal or part of your case if you fail to comply with a direction or fail to co-operate to such an extent that the Tribunal panel can not conduct the proceedings fairly or justly.

Exceptionally, an appeal can also be struck out by the Tribunal if it thinks you have no reasonable prospect of success in your appeal or part of it. However, you will be given the opportunity to make representations before the appeal is struck out and you can ask for your appeal to be reinstated. Any such application must be made in writing within 28 days of the date notifying you of the strike out.

Costs

Paying the other parties' costs

In some circumstances the tribunal can order you to pay all or some of the expenses incurred by the other party in responding to your appeal. But a costs order will only be made if the tribunal considers you have acted unreasonably in your conduct of the appeal. In considering if costs should be awarded, your financial circumstances will be taken in to account and you will be given the opportunity to make representations. Costs can also be awarded to you by the other party for the same reasons. You must make an application within 14 days of receipt of a notice of withdrawal where no consent is needed, or from the date of decision or consent given for a withdrawal where consent is required.

The tribunal does not award costs simply because you have lost your case.

Expenses

The Tribunal does not reimburse travel expenses or loss of earnings incurred by parties and their witnesses to attend hearings.

Further information

If you have any queries about the contents of this booklet or are unsure how to proceed with your appeal, you should contact the Care Standards Office.

Complaints

If you have any complaints about the way in which your appeal is being or was, handled by the administration, you should write direct to the Primary health Lists Manager. Please refer complaints about any member or members of the appeal panel for the attention of the Deputy Chamber President. If the complaint is about Deputy Chamber President please address the complaint for the attention of the Chamber President.

The address for all complaints is:

HM Courts & Tribunals Service (Care Standards)
1st Floor, Darlington Magistrates' Court
Parkgate
Darlington
DL1 1RU

Who can appeal to us?

Table 1

You can appeal to us if you:

- Have received a decision you do not agree with about your registration as:
 - A child minder or other child care provider
 - A care home provider or manager
 - A children's home provider or manager
 - An independent healthcare provider or manager
 - The provider of an agency that delivers personal or nursing care in someone's home
 - The provider of an agency that delivers fostering or adoption services
 - A social worker or social care worker in Wales
- Have been barred from teaching or otherwise working with children by the Secretary of State for Education and Skills*(see note)
- Have been barred from working with vulnerable adults by the Secretary of State for Health* (see note).

All appeals against a decision of the ISA or DBS will be considered by the Administrative Appeals Chamber of the Upper Tribunal, not the FTT – Care Standards. Download the appropriate form from this link *appeal application form and guidance* or search for www.justice.gov.uk/tribunals/aa/appeals

The General Social Care Council (GSCC) closed on 31 August 2012 but we will continue to hear cases arising from GSCC decisions made before 31 July 2012.

Care Standards appeal forms

Can be download by clicking on the word "Forms" at <http://www.justice.gov.uk/tribunals/care-standards>

Care Standards will consider appeals against the following:

Decisions of the Secretary of State for Education and Skills to:

- Include an individuals' name on the Protection of Children Act List
- Restrict or prohibit someone from teaching or otherwise working with children in schools or other education establishments
- Cancel the registration of an independent school.

Decisions of the Secretary of State for Health to:

- Include an individuals' name on the Protection of Vulnerable Adults List

Decisions of the Care Quality Commission and the Welsh Assembly Government in respect of:

- Care homes
- Residential family centres
- Domiciliary care agencies
- Nurses agencies
- Fostering agencies and voluntary adoption agencies
- The registration of private and voluntary healthcare provision such as independent hospitals, clinics and medical agencies
- NHS providers in respect of regulations on healthcare associated infections.

Decisions of the Chief Inspector for Standards in Education, Children's Services and Skills (Ofsted) and the Welsh Assembly Government in respect of the:

- Registration under the early years childcare register
- Registration under the general childcare register
- Disqualification and refusal to waive disqualification from registration as a child minder or day care provider
- Registration of children's homes, and:
- A refusal to waive disqualification of a person from providing, managing or having a financial involvement in a children's home or; being employed in a children's home.

Decisions of the Care Council Wales in respect of:

- The registration of social workers
- The registration of social care workers.

Court Orders:

- We also deal with applications from people with an Order issued by the Courts disqualifying them from working with children who wish to have the disqualification revoked. Such applications will be handled by the Health, Education and Social Care Chamber under the First-tier Tribunal (Health, Education and Social Care Chamber) *Rules*. (www.justice.gov.uk/tribunals/rules)

Memorandums of understanding (MOU)

The aim of the Memorandum of Understanding (MOU) is to establish an expedited appeals process of understanding ensure that these appeals are disposed of expeditiously to minimise the impact on the proprietor of the institution and/or staff's livelihoods and on parents and pupils for the following decisions:

- all orders granted by justices of the peace pursuant to applications made by Care Quality Commission under Section 20 of the Care Standards Act 2000 and all orders for the urgent cancellation of registration made pursuant to Section 30 of the Health and Social Care Act 2008; and

- an urgent decision made under Section 31 of the Health and Social Care Act 2008
- for handling any appeal under s.126(1) of Education and Skills Act 2008 against an order granted by a justice of the peace following an application by the Secretary of State under s.120(1)(a) or (b)
- All appeals made under section 21(1)(b) of the Care Standards Act 2000 against an order granted by a justice of the peace, following an urgent application by Ofsted under Section 20 of the Care Standards Act 2000
- all appeals made under Section 74(3) of the Childcare Act 2006 against an order granted by a justice of the peace, following an emergency application by Ofsted under section 72 of the Childcare Act 2006
- all appeals made under regulation 12 of the Childcare (Early Years and General Childcare Registers) (Common Provisions) Regulations 2008 against the suspension of the registration of a childminder or child care provider
- all appeals made under section 212(1)(c) of the Care Standards Act 2000 against a notice restricting accommodation at a children's home or residential family centre, served by Ofsted under Section 22B of the Care Standards Act 2000. The memorandum seeks to ensure that these appeals are disposed of expeditiously to minimise the impact on the provider and/or manager's livelihoods and on service users.
- urgent cancellation of registration under section 20A of the Care Standards Act 2000
- urgent suspension, variation, removal or imposition of conditions under section 20B of the Care Standards Act 2000
- suspension of registration under section 79H of the Children Act 1989 (and under section 32 of the Children and Families (Wales) Measure 2010 when in force)
- urgent cancellation of registration under section 79K of the Children Act 1989 (and under section 34 of the Children and Families (Wales) Measure 2010 when in force)
- urgent variation, removal or imposition of conditions of registration under section 35 of the Children and Families (Wales) Measure 2010 (when in force)
- restriction of accommodation in a children's home or residential family centre under section 22B of the Care Standards Act 2000.

Links to guidelines:

Memorandum of understanding between Ofsted and the First-Tier Tribunal of the Health, Education and Social Care Chamber (PDF 0.05mb)

Memorandum of Understanding between Department for Education (Independent Education and Boarding Team) and HM Courts & Tribunals Service (First-tier Tribunal Health, Education and Social Care Chamber) (PDF 2mb)

Memorandum of Understanding between Care Quality Commission and Tribunals Service re expedited appeals to the First-tier Tribunal (Care Standards) (PDF 0.03mb)

Memorandum of Understanding between the Welsh Ministers and Tribunals Service in respect of expedited appeals (PDF 0.08mb)

Time limits for appeals

Table 2

You **must** send your appeal application to be received by the time limits below:

Decision not to remove your name from the PoCA or PoVA list or list 99	3 months from the date you received notification of inclusion – you need permission to appeal
Included on PoCA/PoVA on provisional basis	You can ask the tribunal to decide if you should be on the list or not, but only after you have been listed provisionally for more than 9 months
Decision of Care Quality Commission <ul style="list-style-type: none"> Against refusal to register Against cancellation of registration and other decisions Against emergency suspension of registration 	<p>3 months from the date of the notification.</p> <p>28 days from the date of the notification by the Commission. (This cannot be extended.)</p> <p>In emergency cases you should appeal within 10 days from the date of the notification and not the 28 days as detailed in the Decision letter.</p>
Decision of the Welsh Ministers <ul style="list-style-type: none"> Against refusal to register Against cancellation of registration and other decisions 	<p>3 months from the date of the notification</p> <p>28 days from the date of the notification</p>
Decision of Ofsted/Childminder Agency <ul style="list-style-type: none"> Against refusal to register Against emergency suspension of registration Against cancellation of registration and other decisions 	<p>3 months from the date of the notification confirming the order.</p> <p>10 days from the date of the notification</p> <p>28 days from the date of the notification confirming the order.</p>
Decision of Secretary of State for Education in respect of registration of independent school <ul style="list-style-type: none"> Against proposal to cancel/ impose conditions Against proposal making of Order 	<p>28 days from date of the notification</p> <p>Applicant to respond to proposal within 16 days of notification of order</p>